

October 7, 2021

VIA ECF

The Honorable Sarah J. Netburn  
United States Magistrate Judge  
U.S. District Court for the Southern District of New York  
Thurgood Marshall U.S. Courthouse, Room 430  
40 Foley Square  
New York, New York 10007

---

White & Case LLP  
701 Thirteenth Street, NW  
Washington, DC 20005-3807  
T +1 202 626 3600

[whitecase.com](http://whitecase.com)

***In re Terrorist Attacks on September 11, 2001, Case No. 1:03-md-1570-GBD-SN (S.D.N.Y.)***

Dear Judge Netburn:

Pursuant to Rule III.D. of Your Honor's Individual Practices in Civil Cases, and this Court's Local Civil Rule 7(d), Al Rajhi Bank submits this letter-motion to request oral argument on Plaintiffs' Motion to Compel the Production of Documents from Defendant Al Rajhi Bank (ECF Nos. 6996, 7086, 7164). The Bank believes that oral argument will be particularly beneficial for the Court regarding the limits of personal jurisdictional discovery authorized by the Second Circuit and the relevance, if any, of the Second Circuit's decision in *Kaplan* (reversing a dismissal for failure to state a claim) to personal jurisdiction over the Bank. *See* Reply 2, 3, 4, 8 (citing to *Kaplan*); *see also* Al Rajhi Bank's Letter to the Court, dated Sept. 13, 2021 (ECF No. 7113), and Plaintiffs' Letter to the Court, dated Sept. 17, 2020 (ECF No. 7116) (discussing both *Kaplan* and *Honickman v. BLOM Bank SAL*, 6 F.4th 487 (2d Cir. 2021)).

Oral argument is especially warranted because the Bank has not had an opportunity to respond to new issues Plaintiffs raise for the first time in their Reply brief. For example, Plaintiffs now assert (Reply 5-6) that their Requests for "all documents" relating to seventy-seven so-called "SAAR Network-Related" individuals and entities (RFP Nos. 39-41, RFP Def. 18) are relevant to personal jurisdiction over the Bank because the Court allowed claims to proceed against one individual, Dr. Jamal Barzinji, whom plaintiffs subsequently dismissed voluntarily. *See In re Terrorist Attacks on Sept. 11, 2001*, 740 F. Supp. 2d 494, 523 & n.11 (S.D.N.Y. 2010) (dismissing claims against "SAAR Network Entities" and "SAAR Network Executives"); Stipulation and Order of Voluntary Dismissal, ECF No. 2438 (June 28, 2011) (stipulating for clients of Kreindler & Kreindler LLP, Cozen O'Connor, and Motley Rice LLC, among others, that all claims against Dr. Barzinji are dropped with prejudice). The Bank also has not had an opportunity to address the questions Plaintiffs pose in their Reply brief (at 8-9) about the Bank's search process and archiving systems (questions that normally would be addressed during the meet-and-confer process, which Plaintiffs have failed to pursue in any way since the single meet-and-confer call on June 29, 2021).

The Honorable Sarah J. Netburn  
October 7, 2021

Further, although the Court should entirely disregard Plaintiffs' scurrilous and prejudicial conjecture that the Bank's current "recordkeeping system is inconsistent with international anti-money laundering and counterterrorism financing standards and best practices" (Reply 14), the Bank wishes to address this charge and the baseless speculation in Plaintiffs' purported supporting declaration. *See* Gurulé Decl. at ¶¶ 10, 20 (acknowledging that "it is not possible to fully evaluate the extent to which ARB's record maintenance procedures and other processes deviate from international standards and best practices"). The Bank also wishes to address Plaintiffs' unfounded assertion (at 9-10 & n.4) that the Bank has not abided by its document preservation obligations in this litigation.

For these reasons, the Bank respectfully requests that the Court grant Al Rajhi Bank's letter-motion and schedule oral argument on Plaintiffs' Motion to Compel.

Counsel for Al Rajhi Bank contacted Plaintiffs' Counsel for Plaintiffs' position on this request. Plaintiffs' Counsel stated that "Plaintiffs are of the view that the issues raised by the motion are straightforward and confirm Plaintiffs' entitlement to the discovery they seek, and that oral argument is unnecessary. However, Plaintiffs would of course welcome the opportunity to address the Court at a hearing, should the Court conclude that argument would be helpful on any issue."

Respectfully submitted,

*/s/ Nicole Erb*

Christopher M. Curran  
Nicole Erb  
Matthew S. Leddicotte  
Reuben J. Sequeira

*Counsel for Al Rajhi Bank*

cc: Counsel of Record (via ECF)